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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,518	06/20/2006	Ralf Jonczyk	357393.00007	7947
78905	7590	12/22/2010	EXAMINER	
Saul Ewing LLP (Philadelphia)			MOWLA, GOLAM	
Attn: Patent Docket Clerk			ART UNIT	PAPER NUMBER
Penn National Insurance Plaza				1723
2 North Second St., 7th Floor				
Harrisburg, PA 17101				
MAIL DATE		DELIVERY MODE		
12/22/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/562,518	JONCZYK ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	GOLAM MOWLA	1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 October 2010.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **FINAL ACTION**

### **Response to Amendment**

1. Applicant's argument of 10/18/2010 does not overcome the rejection as presented in the Office Action dated 05/17/2010, and therefore does not place the Application in condition for allowance.
2. Claims 1-16 are currently pending.

### **Status of the Objections or Rejections**

3. The rejection of claims 1-16 from the Office Action dated 05/17/2010 is maintained.

### **Claim Rejections - 35 USC § 112**

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 2-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "said zone of reduced oxygen concentration including said first major surface and all points in said substrate which are within 100 microns of said first major surface" in lines 1-3, which renders the claim indefinite because "within 100 microns" does not further limit "within 75 microns" as recited in claim 1. It rather broadens the scope of

the claim, whereas the dependent claim must narrow down the scope of the claim. Same reasoning applies to claims 3-6.

### **Claim Rejections - 35 USC § 102**

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Tachikawa et al. (US 2003/0056715 A1).

Regarding claims 1-6, Tachikawa teaches a silicon semiconductor substrate having a first major surface, a second major surface opposite the top surface, and an edge region connecting the first and second major surfaces (inherent features of a structure or any layer). Tachikawa further discloses the silicon semiconductor substrate has a zone of reduced interstitial oxygen concentration ( $[O_i]$ ) of, for example,  $2.8 \times 10^{16}$  -  $6.0 \times 10^{16}$  atoms/cm<sup>3</sup> (see table 3) ([0047]), which is not greater than  $3 \times 10^{17}$  atoms/cm<sup>3</sup> as required by the instant claims, to a depth of 1 μm from the first major surface of the substrate (see table 3) ([0047]), which is within 75 μm, 100 μm, 125 μm, 150 μm, 175 μm or 200 μm (1 μm is within 75 μm, 100 μm, 125 μm, 150 μm, 175 μm or 200 μm). The silicon substrate can further have a nitrogen concentration in the range of  $5 \times 10^{14}$  -  $1 \times 10^{16}$  atoms/cm<sup>3</sup> (see [0030]).

**Claim Rejections - 35 USC § 103**

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tachikawa as applied to claim 1 above.

Applicant is directed above for complete discussion of Tachikawa with respect to claim 1 above, which is incorporated herein. Tachikawa further discloses the silicon substrate can further have a nitrogen concentration in the range of  $5 \times 10^{14}$  to  $1 \times 10^{16}$  atoms/cm<sup>3</sup> (see [0030]), which overlaps with the claimed range ( $10^{15}$  or more nitrogen atoms/cm<sup>3</sup>) of nitrogen concentration. In the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a *prima facie* case of obviousness exists (MPEP § 2144.05, *In re Wertheim*).

11. Claims 1-8, 13 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gee (US 5,468,652) in view of Tachikawa et al (US 2003/10056715 A1).

Regarding claims 1-6, 8 and 16-18, Gee teaches a metal wrap through solar cell with holes (20) extending from the first major surface to the second major surface of silicon semiconductor substrate (24) (see col. 2, line 55 through col. 3, line 46; and Figure 1).

Gee teaches the limitations of the instant claims, the difference being that Gee does not specifically teach that its silicon semiconductor substrate (24) can have the instant zone of reduced oxygen concentration.

Tachikawa teaches a silicon semiconductor substrate having a first major surface, a second major surface opposite the top surface, and an edge region connecting the first and second major surfaces (inherent features of a structure or any layer). Tachikawa further discloses the silicon semiconductor substrate has a zone of reduced interstitial oxygen concentration ( $[O_i]$ ) of, for example,  $2.8 \times 10^{16}$  -  $6.0 \times 10^{16}$  atoms/cm<sup>3</sup> (see table 3) ([0047]), which is not greater than  $3 \times 10^{17}$  atoms/cm<sup>3</sup> as required by the instant claims, to a depth of 1  $\mu m$  from the first major surface of the substrate (see table 3) ([0047]), which is within 75  $\mu m$ , 100  $\mu m$ , 125  $\mu m$ , 150  $\mu m$ , 175  $\mu m$  or 200  $\mu m$  (1  $\mu m$  is within 75  $\mu m$ , 100  $\mu m$ , 125  $\mu m$ , 150  $\mu m$ , 175  $\mu m$  or 200  $\mu m$ ). The silicon substrate can further have a nitrogen concentration in the range of  $5 \times 10^{14}$  -  $1 \times 10^{16}$  atoms/cm<sup>3</sup> (see [0030]). Tachikawa's silicon semiconductor substrate provides the advantage of an improved defect-free zone ([0001-0005]).

It would have been obvious to one of ordinary skill in the art to have used Tachikawa's silicon semiconductor substrate for the silicon semiconductor substrate in Gee's solar cell because Tachikawa's silicon semiconductor substrate provides the advantage of an improved defect-free zone.

Regarding claim 7, Tachikawa further discloses the silicon substrate can further have a nitrogen concentration in the range of  $5 \times 10^{14}$  to  $1 \times 10^{16}$  atoms/cm<sup>3</sup> (see [0030]), which overlaps with the claimed range ( $10^{15}$  or more atoms/cm<sup>3</sup>) of nitrogen concentration. In the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a prima facie case of obviousness exists (MPEP § 2144.05, In re Wertheim).

Regarding claims 13 and 16, the determination of an appropriate thickness and surface area for Gee's in view of Tachikawa et al's semiconductor substrate would have been within the skill of an artisan. In the case where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation (MPEP § 2144.05 IIA, In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955)).

12. Claims 1-7 and 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tange (US 6,005,185) in view of Tachikawa et al (US 2003/10056715 A1).

Regarding claims 1-6, 9-12, 14-15 and 17-18, Tange teaches a solar cell (10) formed from a silicon wafer having a thickness of 300 to 700  $\mu\text{m}$ , wherein the wafer surface has ridges and valleys at reference sign (16); and has a portion near reference sign (14) at the perimeter that is thicker than the rest of the wafer (see col. 2, line 45 through col. 3, line 50; and Figure 1).

Tange teaches the limitations of the instant claims, the difference being that Tange does not specifically teach that its silicon wafer can have the instant zone of reduced oxygen concentration.

Tachikawa teaches a silicon semiconductor substrate having a first major surface, a second major surface opposite the top surface, and an edge region connecting the first and

second major surfaces (inherent features of a structure or any layer). Tachikawa further discloses the silicon semiconductor substrate has a zone of reduced interstitial oxygen concentration ( $[O_i]$ ) of, for example,  $2.8 \times 10^{16}$  -  $6.0 \times 10^{16}$  atoms/cm<sup>3</sup> (see table 3) ([0047]), which is not greater than  $3 \times 10^{17}$  atoms/cm<sup>3</sup> as required by the instant claims, to a depth of 1  $\mu\text{m}$  from the first major surface of the substrate (see table 3) ([0047]), which is within 75  $\mu\text{m}$ , 100  $\mu\text{m}$ , 125  $\mu\text{m}$ , 150  $\mu\text{m}$ , 175  $\mu\text{m}$  or 200  $\mu\text{m}$  (1  $\mu\text{m}$  is within 75  $\mu\text{m}$ , 100  $\mu\text{m}$ , 125  $\mu\text{m}$ , 150  $\mu\text{m}$ , 175  $\mu\text{m}$  or 200  $\mu\text{m}$ ). The silicon substrate can further have a nitrogen concentration in the range of  $5 \times 10^{14}$  -  $1 \times 10^{16}$  atoms/cm<sup>3</sup> (see [0030]). Tachikawa's silicon semiconductor substrate provides the advantage of an improved defect-free zone ([0001-0005]).

It would have been obvious to one of ordinary skill in the art to have used Tachikawa's silicon semiconductor substrate for the silicon wafer in Tange's solar cell because Tachikawa's silicon semiconductor substrate provides the advantage of an improved defect-free zone.

Regarding claim 7, Tachikawa further discloses the silicon substrate can further have a nitrogen concentration in the range of  $5 \times 10^{14}$  to  $1 \times 10^{16}$  atoms/cm<sup>3</sup> (see [0030]), which overlaps with the claimed range ( $10^{15}$  or more atoms/cm<sup>3</sup>) of nitrogen concentration. In the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a prima facie case of obviousness exists (MPEP § 2144.05, In re Wertheim).

Regarding claims 13 and 16, the determination of an appropriate thickness and surface area for Tange's in view of Tachikawa's semiconductor substrate would have been within the skill of an artisan. In the case where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation (MPEP § 2144.05 IIA, In re Aller, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955)).

### Response to Arguments

13. Applicant's arguments with respect to claims 1-16 have been fully considered but they are not persuasive.

Applicant argues that the rejections presented in the Office Action dated 05/17/2010 reflect a misinterpretation of the claim language as reciting a maximum depth, rather than a minimum depth of the reduced oxygen zone (see Remarks, page 3).

The Examiner respectfully disagrees. The claim recite the limitation "said zone of reduced oxygen concentration including said first major surface and all points in said structure which are within 75 microns of said first major surface" in lines, which means the zone reduced oxygen concentration includes points that are **within 75 microns** (i.e., a maximum depth). The word "within" sets forth an upper limit (maximum depth). If the applicant's intention was to claim "a minimum depth", Applicant is suggested to amend the claim properly. In the instant case, Tachikawa explicitly discloses the silicon semiconductor substrate has a zone of reduced interstitial oxygen concentration ( $[O_i]$ ) of, for example,  $2.8 \times 10^{16}$  -  $6.0 \times 10^{16}$  atoms/cm<sup>3</sup> (see table 3) ([0047]), which is not greater than  $3 \times 10^{17}$  atoms/cm<sup>3</sup> as required by the instant claims, to a depth of 1  $\mu\text{m}$  from the first major surface of the substrate (see table 3) ([0047]), which is within 75  $\mu\text{m}$ , 100  $\mu\text{m}$ , 125  $\mu\text{m}$ , 150  $\mu\text{m}$ , 175  $\mu\text{m}$  or 200  $\mu\text{m}$  (1  $\mu\text{m}$  is within 75  $\mu\text{m}$ , 100  $\mu\text{m}$ , 125  $\mu\text{m}$ , 150  $\mu\text{m}$ , 175  $\mu\text{m}$  or 200  $\mu\text{m}$ ).

With respect to the indefinite rejection, it is noted that claim 2 recites the limitation "said zone of reduced oxygen concentration including said first major surface and all points in said substrate which are within 100 microns of said first major surface" in lines 1-3, and "within 100 microns" does not further limit "within 75 microns" as recited in claim 1. It rather broadens the

scope of the claim, whereas the dependent claim must narrow down the scope of the claim.

Therefore, indefinite rejection is still deemed proper. Same reasoning applies to claims 3-6.

### **Conclusion**

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Correspondence/Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GOLAM MOWLA whose telephone number is (571) 270-5268. The examiner can normally be reached on M-Th, 0800-1830 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ALEXA NECKEL can be reached on (571) 272-1446. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./  
Examiner, Art Unit 1723

/Alexa D. Neckel/  
Supervisory Patent Examiner, Art Unit 1723